

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

DAISY MATOS-LEBRON, ET AL.,

Plaintiff,

v.

MONICA RIVERA-PIRIS, ET AL.,

Defendants.

Civil No. 14-1183 (SEC)

MEMORANDUM AND ORDER

This diversity action, brought under Article 1802 of the Puerto Rico Civil Code, P.R. Laws Ann. tit. 31, § 5141, concerns a rear-end collision accident. Docket # 1. Codefendant Mónica Rivera-Piris moves to dismiss for want of subject-matter jurisdiction, Docket # 17, arguing that the plaintiffs fall short of meeting the amount-in-controversy requirement. See 28 U.S.C. § 1332(a). For the reasons laid out below, this unopposed request is summarily **GRANTED**, and this case is **DISMISSED** for lack of subject-matter jurisdiction.

The Court need not tarry. The short of it is that where, as here, a party waives any objections to a motion to dismiss, Docket # 22, a district court may summarily grant an unopposed dispositive motion, “at least when the result does not clearly offend equity,” Rodríguez-Salgado v. Somoza-Colombani, 937 F. Supp. 2d 206, 210 (D.P.R. 2013) (quoting NEPSK, Inc. v. Town of Houlton, 283 F.3d 1, 7 (1st Cir.2002)), or “conflicts with the Federal Rules of Civil Procedure.” Town of Houlton, 283 F.3d at 7; see D.P.R. Civ. R. 7(b) (“[u]nless within fourteen (14) days after the service of a motion the opposing party files a written objection to the motion, incorporating a memorandum of law, the opposing party shall be deemed to have waived objection.”). Neither impediment exists here. See Rivera-Quñones v. US Sec. Associates, No. 12-1598, 2013 WL 5636898, at *4 (D.P.R. Oct. 16, 2013). Quite the contrary: Rivera-Piris having questioned the plaintiffs’ assertion that the amount in controversy

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satisfied the statutory jurisdictional amount, the burden shifted onto the plaintiffs to show with “sufficient particularity” facts that in some way support the contention that there is more than \$75,000 at stake.” Abdel-Aleem v. OPK Biotech LLC, 665 F.3d 38, 42 (1st Cir. 2012) (quoting Dep’t of Recreation & Sports of P.R. v. World Boxing Ass’n, 942 F.2d 84, 90 (1st Cir. 1991)). But because the plaintiffs neglected to oppose Rivera-Piris’s motion, it follows inexorably that they cannot shoulder their burden of “proving” the existence of diversity jurisdiction. Johansen v. United States, 506 F.3d 65, 68 (1st Cir. 2007); see also, e.g., CE Design Ltd. v. Am. Econ. Ins. Co., 755 F.3d 39, 44 (1st Cir. 2014) (reiterating that “the party seeking to invoke jurisdiction,” . . . “has the burden of showing it has met the amount-in-controversy requirement”). This action is accordingly dismissed, without prejudice to its being renewed in local court, for want of subject-matter jurisdiction. See Fed. R. Civ. P. 12(b)(1).

One loose end remains. Although Rivera-Piris crossclaimed against codefendant Padin Ambulance, Docket # 16; see Fed. R. Civ. P. 13(g), her crossclaim, which has no independent jurisdictional basis, need also be dismissed for want of subject-matter jurisdiction. Fairview Park Excavating Co. v. Al Monzo Constr. Co., 560 F.2d 1122, 1125 (3d Cir. 1977); New Orleans Public Belt R. Co. v. Wallace, 173 F.2d 145, 148 (5th Cir. 1949); see also 6 Fed. Prac. & Proc. Civ. § 1433 & n. 14 (3d ed. Updated September 2014). Rivera-Piris’s motion to compel, Docket # 26, is therefore moot.

IT IS SO ORDERED

In San Juan, Puerto Rico, this 10th day of December, 2014.

s/ Salvador E. Casellas
SALVADOR E. CASELLAS
U.S. Senior District Judge